

# EXHIBIT B

**Hamilton, R. Blake**

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**From:** Hamilton, R. Blake  
**Sent:** Tuesday, August 25, 2015 1:58 PM  
**To:** 'Lisa Marcy'  
**Cc:** jkjohnson1080@hotmail.com; Dominic Gianna; Lee Rudin  
**Subject:** RE: discovery production and Motion to Amend

Lisa,

I am fine with the extension to September 2<sup>nd</sup> for your responses to our discovery requests, with the understanding that you will get the answers to interrogatories to me sooner if possible and that any medical records you receive after that date will promptly be supplemented.

With respect to your plans to amend your complaint, I can't agree to anything until I have seen the document you intend to file. I don't need to see a draft of what you have so far, but please send me the complete document when you have it.

I am a little confused by the rest of your email: are you still filing a memorandum in opposition to our motion today, or are you attempting to resolve some of it here? Please clarify. Regardless, I am responding to your numbered statements to make sure we are on the same page:

1. You are welcome to notify the judge (in the memo I assume you will file today) of your proposed concessions of dismissal without prejudice of Counts 3, portions of 4, 5, 7, and 8, but it is still our position that they should be dismissed with prejudice. It's not clear what your justification is for requesting dismissal without prejudice, but some of these claims are simply invalid, barred, or not supported by sufficient factual allegations (which the production of the policies would not change).
2. I do not see how clarifying your causes of action or making stylistic changes will address the arguments we made in our Motion. Either you have the factual allegations to adequately plead these claims, or you don't.
3. You are welcome to review the policies and see if you need to amend your complaint to include them in your *Monell* claim, however, I do not see how they would create the need to amend other claims. Also, while we produced them in a supplemental disclosure last night, the policies are public documents and were available to you through a simple GRAMA request at the time you first filed your Complaint.

I look forward to seeing your discovery responses by September 2.

Sincerely,

Blake

**From:** Lisa Marcy [mailto:lmarcy@aarongianna.com]  
**Sent:** Tuesday, August 25, 2015 10:43 AM  
**To:** Hamilton, R. Blake <BHamilton@djplaw.com>  
**Cc:** jkjohnson1080@hotmail.com; Dominic Gianna <dgianna@aarongianna.com>; Lee Rudin <lrudin@aarongianna.com>  
**Subject:** Re: discovery production and Motion to Amend

Blake:

Thank you for allowing the extension to respond to your discovery. I can definitely get what we have over to you after I finalize our Mem.Opp.JOP. Mr. Chatwin hasn't notarized the Interrogatories yet, because I had not finalized them, so I will send them as soon as I receive them. As for the time extension, I can get everything to you by Sept. 2, if that works, except the medical records that we don't have yet and therefore did not produce in our supp.disclosures. I will also be sending our discovery requests to you by then.

We plan to seek leave to file a second amended complaint to accomplish three things:

1. We are conceding to the dismissal without prejudice of Counts III (Police Chief), IV (Monell but only as it relates to the individual officers), V (Conspiracy), VII (Assault/Bat), and VIII (Int.Inflction.Emot.Distress);
2. In response to your concerns in your M.JOP, we are clarifying our causes of action and making stylistic changes (for instance, placing Officer Baugh in a separate cause of action, since she was in the section devoted to the Monell claim, Count IV);
3. Since we just received the policies from you this morning (I was gone after 5 pm last night), we need to amend the complaint to address them.

We are therefore looking for your consent to amend our complaint. We can send to you a 'marked' draft copy of what we have so far, but it won't include the policies under the Monell/Count IV, since we just got them. Please let me know.

Thank you,

Lisa

Lisa A. Marcy\*  
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\*\*Aaron & Gianna, PLC is ranked a Best Law Firm by U.S. News and World Report and Best Lawyers

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**From:** Hamilton, R. Blake <[BHamilton@djplaw.com](mailto:BHamilton@djplaw.com)>  
**Sent:** Monday, August 24, 2015 5:36 PM  
**To:** Lisa Marcy  
**Cc:** [jkjohnson1080@hotmail.com](mailto:jkjohnson1080@hotmail.com)  
**Subject:** RE: discovery production

Lisa,

I am happy to give you more time to respond to our discovery requests. How much time to you think you will need?

I take it from your email that you already have answers to interrogatories prepared. Do you mind sending those to me now? I know you would prefer to send it all at once, but I may need to serve third party subpoenas based upon Mr. Chatwin's responses and I would like to get those out right away so that I can comply with the written discovery cut-off.

Also, attached please find Defendants' Supplemental Disclosures, including bates numbered documents DRAPER-CHT-0090 through 0155, with corresponding certificate of service.

Sincerely,

Blake

**From:** Lisa Marcy [<mailto:lmarcy@aarongianna.com>]  
**Sent:** Monday, August 24, 2015 3:10 PM  
**To:** Hamilton, R. Blake <[BHamilton@djplaw.com](mailto:BHamilton@djplaw.com)>  
**Subject:** discovery production

Blake:

Good afternoon. We are still in the process of getting Chatwin's inpatient treatment records. And as you can guess, we have been devoting most of our time to responding to your motion. I already sent the answers to Admissions, as you know. Could you give us some more time? Josh has answered everything, but I want to give it to you all at once.

Mine will be coming shortly, thanks.

Lisa

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\*\*Aaron & Gianna, PLC is ranked a Best Law Firm by U.S. News and World Report and Best Lawyers

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